

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED for Rke

JUL 12 2011

JULIA C. DUDLEY, CLERK
BY: H. McDonald
DEPUTY CLERK

RICHARD DWAYNE MCKINNEY,)
Petitioner,)
)
v.)
)
LEE COUNTY CIRCUIT COURT,)
Respondent.)

Civil Action No. 7:11-cv-00329

ORDER

By: Hon. Jackson L. Kiser
Senior United States District Judge

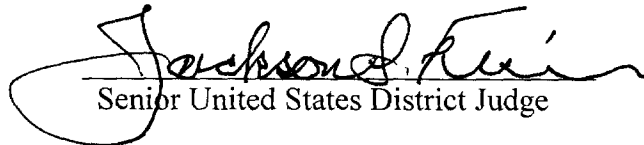
In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that petitioner's petition for writ of habeas corpus, pursuant to 28 U.S.C. §2254, is **DISMISSED** **without prejudice** for failure to exhaust state court remedies; a Certificate of Appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner.

ENTER: This 12th day of July, 2011.


Senior United States District Judge